

§ 350.4

to the preparation, labeling and certification of the food article prepared under this food inspection service.

(d) [Reserved]

[25 FR 9642, Oct. 7, 1960, as amended at 30 FR 258, Jan. 9, 1965. Redesignated at 30 FR 4195, Mar. 31, 1965, and amended at 30 FR 8675, July 9, 1965. Further redesignated at 35 FR 15554, Oct. 3, 1970, and amended at 38 FR 29215, Oct. 23, 1973; 53 FR 28634, July 29, 1988; 54 FR 1329, Jan. 13, 1989; 64 FR 56416, Oct. 20, 1999; 65 FR 2284, Jan. 14, 2000]

§ 350.4 [Reserved]

§ 350.5 Application for service.

Any person who desires to receive service under the regulations in this part for meat or other product eligible therefor under such regulations may make application for service to the Administrator, upon an application form which will be furnished by the Administrator upon request.

(Approved by the Office of Management and Budget under control number 0583-0036)

[23 FR 9982, Dec. 23, 1958. Redesignated at 30 FR 4195, Mar. 31, 1965, and at 35 FR 15554, Oct. 3, 1970, and amended at 47 FR 746, Jan. 7, 1982]

§ 350.6 Denial or withdrawal of service.

(a) If any person has applied for service for meat or other product not eligible therefor under the regulations in this part, or has failed to make proper application for service or to pay fees and charges due for service furnished or to be furnished to him under the regulations in this part, or if the service cannot be furnished to any person applying therefor because of lack of available inspectors or other administrative reasons, the service may be denied to such person by the Administrator until the condition justifying such denial is corrected.

(b) Service under the regulations in this part may also be denied to any person by the Secretary for such period as he may deem proper, if it is determined, after opportunity for hearing before a proper official in the Department, that such person has been responsible for any willful misrepresentation to the Department concerning any meat or other product for which service has been requested under the

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regulations, in this part, or that such person has been responsible for the use without authority, or the imitation, of any marks or certificates of Federal meat inspection on or with respect to any meat or other product, or has otherwise been responsible for any fraudulent or deceptive practice with respect to such service, or that such person has interfered with or obstructed any inspector in the performance of his duties under the regulations in this part, or attempted to do so. When the Administrator determines that the public interest so requires, he may deny or withdraw service provided for in this part, without a hearing, pending final determination of the matter. The applicant or recipient of service involved shall be notified of the Administrator's decision to deny or suspend service and the reasons therefor, in writing, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to deny or suspend the service shall be effective upon such oral or written notification, whichever is earlier, to the applicant or recipient of service. If such notification is oral, the Administrator shall confirm such decision and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the applicant or recipient of service, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)). In other cases prior to the institution of proceedings for denial of service under this paragraph, the facts or conduct which may warrant such action shall be called to the attention of the person involved, in writing, and he shall be given an opportunity to demonstrate or achieve compliance with all applicable requirements.

[23 FR 9982, Dec. 23, 1958; 25 FR 9642, Oct. 7, 1960. Redesignated at 30 FR 4195, Mar. 31, 1965, and 35 FR 15554, Oct. 3, 1970, and amended at 43 FR 11147, Mar. 17, 1978]

§ 350.7 Fees and charges.

(a) Fees and charges for service under the regulations in this part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.